

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. ROHINI

WRIT PETITION NO : 25106 of 2004

Between:

Kondaveeti Health Club Door No.5-14-86/26 Sattenapalli
Guntur District rep.by its President, K.Venkata Krishna Mohan

..... PETITIONER

AND

- 1 The Superintendent of Police, Guntur, Guntur District.
- 2 The Inspector of Police Sattenapalli, Guntur District.
- 3 The Sub-Inspector of Police, Sattenapalli Town P.S,
Sattenapalli, Guntur District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in interfering with lawful activities of the petitioner club including playing of game of rummy with 13 cards and syndicate in the petitioner club as illegal, arbitrary and unconstitutional .

Counsel for the Petitioner:MR.M.SUBBA REDDY

Counsel for the Respondent No.: GP FOR HOME

The Court made the following :

ORDER:

In the writ petition the petitioner is seeking a writ of Mandamus declaring the action of the respondents in directing the members of the petitioner Club not to play game of Rummy as arbitrary and illegal and consequently direct the respondents not to interfere with the legal activities of the petitioner-Club.

Heard both sides.

It has been represented by the learned counsel for the petitioner and also by the learned Government Pleader for Home that the issue involved in this writ petition is squarely covered by a Judgment of Division Bench of this Court in Writ Appeal No. 1167 of 2002, dated 29-07-2002, wherein it is held as follows:

“Therefore, the police authorities cannot obstruct the writ petitioner-club from conducting card room where the members and guests of the writ petitioner’s cultural center are allowed to play the game of rummy with stakes/syndicate (thirteen card game). At the same time, we make it clear that the police is always at liberty to enter the premises and check as to whether the cultural center of the club is conducting card room where the members and guests of the petitioner’s cultural center are playing the game of rummy with stakes/syndicate (thirteen card game), for the purpose of verification. If they receive any intimation, the police may enter the club and verify the same and proceed further if the members and guests of writ petitioner’s cultural center play other than the game of rummy with stakes/syndicate (thirteen card game). The police authorities are also at liberty to proceed with the cases, which are already registered. The Writ Appeal is disposed of accordingly.”

Following the same and for the reasons mentioned therein, the writ petition is disposed of in terms of the above direction of the Division Bench. However, it is made clear that the respondents are at liberty to take appropriate action against the members of the petitioner-Club if they promote any illegal activity at the premises of the petitioner-Club. It is also made clear that in case any search or inspection is conducted in the premises of the

petitioner, it should be done in the presence of the mediators, who are having respectable status in the society. No costs.

G. ROHINI, J.

31st December, 2004

BJ/

To

- 1 The Superintendent of Police, Guntur, Guntur District.
- 2 The Inspector of Police Sattenapalli, Guntur District.
- 3 The Sub-Inspector of Police, Sattenapalli Town P.S,
Sattenapalli, Guntur District
4. Two CCs. to G.P. for Home.
5. Two C.D. copies.

Urgent.

THE HON'BLE MS. JUSTICE G. ROHINI

W.P.No. 25106 of 2004

31st Dece3mber, 2004

Note: CC in three days.